UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:06-CV-209-F(3)

DAVID FARLEY,

Plaintiff,

vs.

ORDER

LILLIE MAE BROWN,

Defendant.

This matter is before the court upon the *pro se* Plaintiff's Motion for Laches [DE-11].

As this court already has noted, Plaintiff initiated this action by filing a Motion for Leave to Proceed In Forma Pauperis [DE-1]. In a July 13, 2006 Order [DE-4], United States Magistrate Judge William A. Webb denied Plaintiff's motion for failure to provide the court with required financial information. Judge Webb advised Plaintiff that he had thirty days to file the requisite filing fee, otherwise the Clerk of Court would close the case. Consequently, on September 21, 2006, after the Plaintiff failed to pay the requisite filing fee within thirty days, the Clerk of Court closed the case. More than a year after the case was closed, Plaintiff sought to have the case reopened and to change the venue of the action, but both requests were denied by this court as being without merit.. Therefore the case remains closed.

Despite the case being closed, Plaintiff has filed the instant Motion for Laches. The Motion [DE-11] is DENIED.

SO ORDERED. This the day of March, 2008...

Senior United States District Judge